

Minutes
**Labor-Management Advisory Council on
Workers' Compensation**

March 9, 2007

1:30-2:30 pm

Advisory council members present: Lt. Governor John Bohlinger, Jerry Keck, Doug Buman, Bill Dahlgren, Jacquie Helt, Annette Hoffman, Dan Lee, Don Judge, Jason Miller, Bob Worthington.

I. Approval of Agenda and Meeting Minutes

The minutes for the February 23rd conference call were approved with the addition of "Regulation of claims examiners" to the agenda for the May meeting.

II. Status of Workers' Compensation Bills

- Review of Approval Process: Jerry Keck reviewed the process agreed to by the Advisory Council in January. He further stated that if the Advisory Council did not pass a motion to recommend or not recommend a particular bill, the Department of Labor and Industry would likewise not take a stand on the bill. Judy Bovington clarified that any position by the Department would have to be cleared by the Governor's Office. Also, the Advisory Council has some flexibility when action is taken on a bill. Finally, any changes in a bill may require another review by the Advisory Council.
- HB 65, Revise uninsured employer's subsequent injury fund – Passed out of the Senate committee; already acted on; Don Judge said the Department of Public Health and Human Services told him that if an injured worker was otherwise eligible for Medicaid, they would not be precluded from it by this bill. During the interim, it was agreed that the council should track this issue. Bob Worthington reported on his effort to pursue reinsurance, and found that at this time it is cost-prohibitive.
- HB 72, Revise professional employer organization law - Passed out of the Senate committee and second reading; already acted on
- HB 738, Revise work comp law for claim closure and medical services rates – After discussion, action was deferred.
- HB 785, Exempting certain athletes from workers' compensation – After discussion, action was deferred.
- HB 786, Exempt from work comp law certain motor carriers – After discussion, action was deferred.
- SB 97, Clarify handling of highway patrol work comp claims – Already acted on.
- SB 108 – Revise work comp laws-ind. contractors-med. fees-impaired insurers-etc. – Scheduled for committee hearing on March 16; already acted on.
- SB 214, Independent contractor exemption for certain corporate officers – To be scheduled for hearing after transmittal; already acted on.
- SB 426, Revise attorney fees for medical benefits in work comp cases – After discussion, action was deferred.
- SB 444, Revise APRN treating of injured workers – Don Judge moved, Bill Dahlgren seconded approval of SB 444. Motion passed unanimously.

- SB 511, Regulate work comp claims examiners – Diana Ferriter presented financial information she had sent to Senator Cocchiarella regarding taking the following actions in the future:
 - The Employment Relations Division (ERD) mailing the benefits packet directly to claimants (instead of or in addition to mailing by insurers)
 - Setting up a toll-free number for information
 - ERD tracking complaints against claims examiners and provide summaries of complaints to the insurers

The cost for these proposed actions was estimated at \$46,718 per year.

- V. Agenda Items for Advisory Council Meeting in May
The next onsite meeting is scheduled for afternoon of May 15, following the NCCI State Advisory Forum.
 - Summary of insurer financial results by Mari Kindberg of the State Auditor’s Office
 - Summary of legislative action
 - Safety/incident rate modeling
 - Workers’ compensation exemptions and cost shifting
 - Regulation of claims examiners
- VI. Opinion Editorial
Will Hammerquist is working on this with Jason Miller and Bob Worthington. It was decided to push back the timing until after the Legislature to discuss the future work of the council.
- VII. Public Comment
Jeannine Brown addressed the Advisory Council.
- VIII. Next Steps
Next conference call: Friday, March 16, 1:30 – 3:00 pm; Jason Miller will be the chair.
Next Advisory Council meeting (onsite) – Tuesday, May 15, 1:30 pm

For the complete discussions, download or listen online to the meeting recording at <http://erd.dli.mt.gov/wcstudyproject/labormngmntadvisorycouncilmeetinginfo.asp>